

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CARLOS M. IRIZARRY,

Plaintiff,

v.

Case No: 8:21-cv-505-TPB

PEDRO W. RODRIGUEZ, PA, a Florida
professional service corporation (*aka* a
professional association), and PEDRO W.
RODRIGUEZ, an individual,

Defendants.

_____ /

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION
TO WITHDRAW THE REFERENCE AND MOTION FOR ABSTENTION**

This matter is before the Court on “Plaintiff/Debtor’s Motion to Withdraw the Reference and Motion for Related or Alternative Abstention Relief.” (Doc. 1.) Based on the motion, response, court file, and record, the Court denies the motion.

Plaintiff briefly suggests that mandatory withdrawal of the reference applies but offers no argument that resolution of the adversary proceeding will require consideration of non-bankruptcy federal law. *See* 28 U.S.C. § 157(d) (“The district court shall . . . so withdraw a proceeding if the court determines that resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce”); *In re Hvide Marine Inc.*, 248 B.R. 841, 844 (M.D. Fla. 2000) (holding

that mandatory withdrawal of reference is required only where non-bankruptcy code federal issues warrant “substantial and material consideration”) (internal quotation omitted).

Nor has Plaintiff demonstrated cause for permissive withdrawal of the reference. The claims in the adversary proceeding arise out of prior bankruptcy proceedings and will require consideration of bankruptcy law and procedure. Efficiency and judicial economy are therefore best served by having the bankruptcy court handle the matter. Accordingly, the bankruptcy court will handle all pretrial matters, including dispositive motions. The motion to withdraw the reference is denied without prejudice to Plaintiff refiling the motion as the case nears trial.

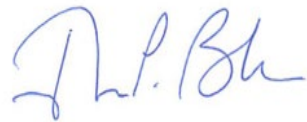
Plaintiff’s alternative request for abstention relief should be addressed by the bankruptcy court and is therefore denied without prejudice.

It is therefore

ORDERED, ADJUDGED, AND DECREED:

1. “Plaintiff/Debtor’s Motion to Withdraw the Reference and Motion for Related or Alternative Abstention Relief” (Doc. 1) is **DENIED WITHOUT PREJUDICE**. Plaintiff may refile his motion to withdraw the reference at the time of trial.
2. The Clerk is directed to close this case.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 31st day of August, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE